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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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UNITED STATES OF AMERICA,

Plaintiff,

v.

MARLON ALONZO SMITH,

Defendant.

**MEMORANDUM DECISION AND  
ORDER DENYING MOTION FOR AN  
ORDER COMPELLING DISCOVERY**

Case No. 2:16-cr-00020-DN

District Judge David Nuffer

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Defendant Marlon Alonzo Smith seeks production of certain documents that he believes are relevant to post-conviction relief.<sup>1</sup> Mr. Smith previously made requests for the documents with the Utah Department of Public Safety and Utah Highway Patrol under the Utah Government Records Access and Management Act.<sup>2</sup> These requests and Mr. Smith's subsequent administrative appeals were denied.<sup>3</sup> Mr. Smith now requests an order compelling the documents' production under FED. R. CIV. P. 37(a).<sup>4</sup> However, this case is closed and the Tenth Circuit Court of Appeals has affirmed Mr. Smith's conviction and sentence.<sup>5</sup> Mr. Smith also has not initiated post-conviction proceedings challenging his conviction and sentence.

Under these circumstances, Mr. Smith cannot obtain an order compelling the discovery he seeks under Rule 37(a) in this case. Jurisdiction is lacking.

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<sup>1</sup> Motion for an Order Compelling Discovery ("Motion"), [docket no. 201](#), filed May 29, 2020.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

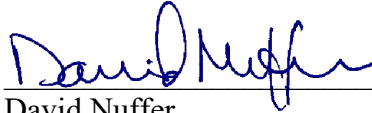
<sup>5</sup> Order and Judgment, [docket no. 200](#), filed Feb. 25, 2020.

**ORDER**

THEREFORE, IT IS HEREBY ORDERED that Mr. Smith's Motion<sup>6</sup> is DENIED without prejudice.

Signed June 4, 2020.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer  
United States District Judge

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<sup>6</sup> [Docket no. 201](#), filed May 29, 2020.